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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

February 11, 2003

**VIA FEDERAL EXPRESS AND
FIRST CLASS MAIL**

Tax Claim Bureau, Delaware County
Josephine Rizzo, Director
Gov. Center Building, Ground Floor
201 W. Front Street
Media, PA 19063

**Re: Required Submission of Information
Lower Darby Creek Area Superfund Site - Clearview Landfill**

Dear Ms. Rizzo:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning the release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Clearview Landfill ("Clearview") portion of the Lower Darby Creek Area Superfund site, located in Delaware and Philadelphia Counties, Pennsylvania (hereinafter the "Site") (see Enclosure F for a list of Questions).

The Site is located in an industrialized portion of southeastern Delaware County and southwestern Philadelphia County, Pennsylvania, along an approximately two-mile stretch of Darby Creek, between Cobbs Creek to the north and the tidal marsh of John Heinz National Wildlife Refuge at Tinicum to the south (see Enclosure A).

EPA believes that you might possess information which may assist the Agency in its investigation of the Site, specifically concerning the Clearview Landfill property, Folio Number 15-00-00972-00, located in Delaware County and owned by the Clearview Land Development Company.

EPA requires that you respond in writing fully and completely to the following items within **ten (10) calendar days** of your receipt of this letter.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

Customer Service Hotline: 1-800-438-2474

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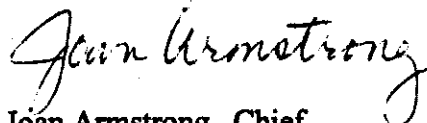
All documents and information should be sent to:

Ms. Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 et seq.

If you have any questions concerning this matter, please contact Civil Investigator Carlyn Winter Prisk at (215) 814-2625, or have your attorney contact Brian Nishitani of EPA's Office of Regional Counsel at (215) 814-2675. To discuss the Site in general or the nature of the cleanup, contact Kristine Matzko, the Remedial Project Manager, at (215) 814-5719.

Sincerely,



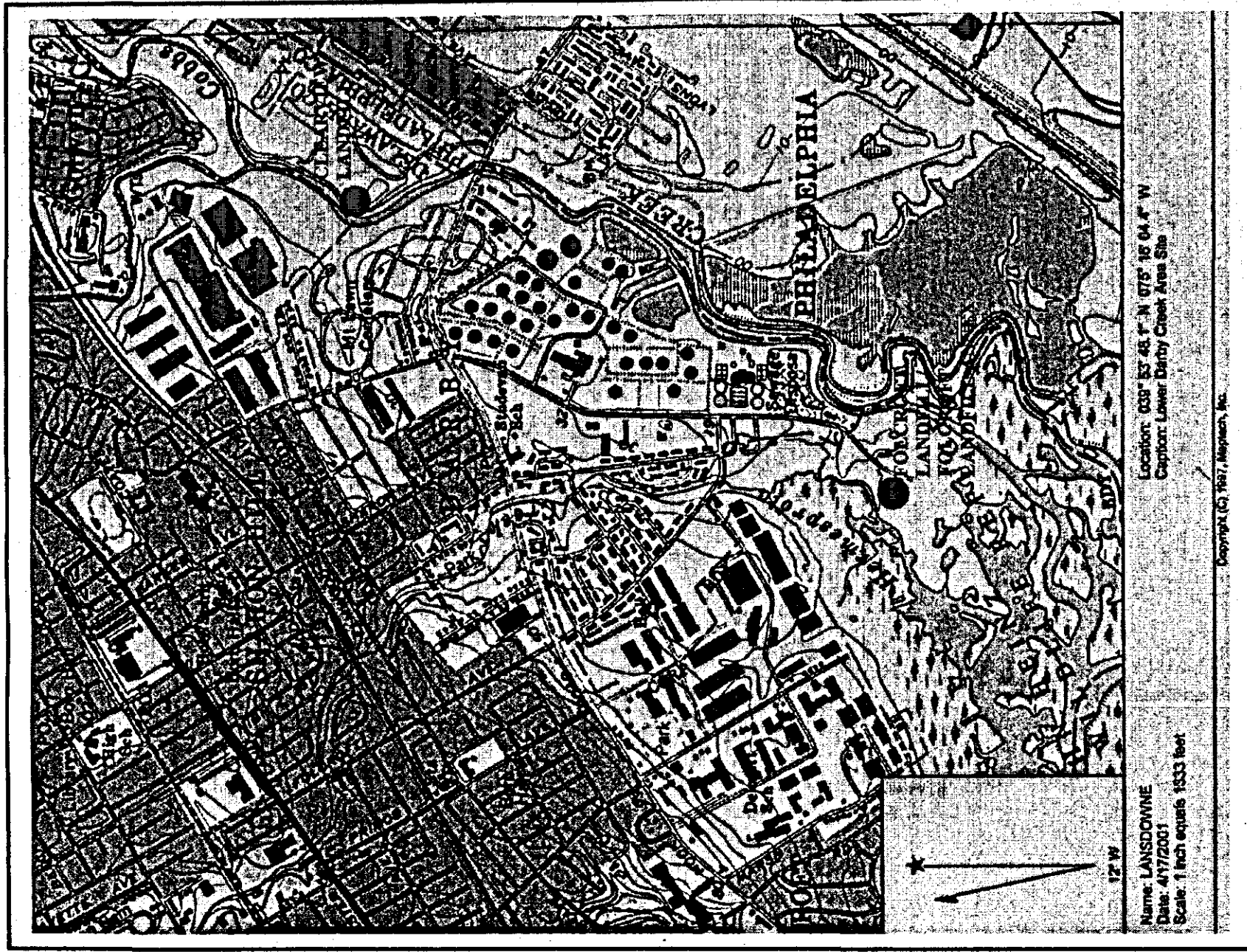
Joan Armstrong, Chief
PRP Investigation and
Site Information Section

Enclosures: Enclosure A: Lower Darby Creek Area Site Map
 Enclosure B: Business Confidentiality Claims/Disclosure of Your
 Response to EPA Contractors and Grantees
 Enclosure C: List of Contractors that May Review Your Response
 Enclosure D: Definitions
 Enclosure E: Instructions
 Enclosure F: Questions

cc: Mr. Brian Nishitani (3RC44) EPA Region III, Office of Regional Counsel
 Ms. Gwen Pospisil (3RC44) EPA Region III, Office of Regional Counsel
 Ms. Kristine Matzko (3HS21) EPA Region III, Remedial Project Manager
 Mr. Craig Olewiler Pennsylvania Department of Environmental Protection
 Ms. April Flipse Pennsylvania Department of Environmental Protection

Enclosure A

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Map



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Enclosure B

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See "Enclosure C") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreements(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. Section 9604(e)(7), and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure C, you must notify EPA in writing at the time you submit such documents.

Enclosure C

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List of Contractors that May Review Your Response

- Daston Corporation -
Contract #68-S3-01-01
Subcontractor to Daston Corporation is:
Dynamac Corporation
 - Tetra Tech EM, Inc. -
Contract #68-S3-0002
Subcontractor to Tetra Tech EM, Inc. is
Eagle Instruments, Inc.
 - Ecology and Environment, Inc. -
Contract #68-S3-001
Subcontractor to Ecology and
Environment, Inc. is:
S & S Engineers, Inc.
 - Resource Applications, Inc. -
Contract #68-S3-003
Subcontracts to Resource Applications,
Inc. are:
C.C. Johnson & Malhotra, Inc.
Scientific & Environment Associates,
Inc.
Environmental Quality Management,
Inc.
 - IT Corporation - Contract #68-S#-00-06
Subcontracts to IT Corporation are:
Weavertown Environmental Group
Environmental Restoration Company
 - Earth Tech, Inc. - Contract #68-S3-00-07
Subcontractors to Earth Tech, Inc. are:
Industrial Marine Services, Inc.
Cline Oil
Hertz Equipment Rental
 - Guardian Environmental Services, Inc.
Contract #68-S3-99-04
 - ECG Industries, Inc. -
Contract #68-S3-99-05
Subcontractor to ECG Industries, Inc. is:
Earth Tech, Inc.
 - Industrial Marine Services, Inc. -
Contract #68-S3-99-06
Subcontractors to Industrial Marine
Services, Inc. are:
Earth Tech, Inc.
Engineering and Environment, Inc.
 - Tetra Tech NUS, Inc. -
Contract #68-S6-3003
Subcontractors to Tetra Tech NUS, Inc.
are:
Gannett Flemming, Inc.
Dynamac Corporation
C.C. Johnson & Malhotra, P.C.
 - CDM-Federal Programs Corporation -
Contract #68-S7-3003
Subcontractors to CDM-Federal
Programs Corporation are:
Tetra Tech EM, Inc.
Robert Kimball & Associates
PMA & Associates
Horne Engineering
Pacific Environmental Services
 - Black and Veatch Waste Science and
Technology Corporation/Tetra Tech, Inc.
Contract #68-S7-3002
 - Universe Technologies -
Contract #68-S3-99-02
 - Tech Law, Inc.- Contract #68-W-00-108
Subcontractor to Tech Law, Inc. is:
Gannett Flemming, Inc.
- List of Cooperative Agreements**
- National Association of Hispanic Elderly
- #CQ-822511
 - AARP Foundation (Senior
Environmental Employment)
- #824021, #823952

Enclosure D

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Definitions

- The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
- The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release

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into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure E

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Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure B, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.

Enclosure F

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QUESTIONS

The following questions relate to the real property owned by the Clearview Land Development Company, and located near 83rd Street and Buist Avenue in Darby Township, Pennsylvania. The subject property (copy of deed enclosed) is identified in your records by folio number 15-00-00972-00 and formerly operated as an unpermitted industrial waste landfill (the Clearview Landfill, a/k/a Heller's Dump) from the mid-1950's through 1976. It is EPA's understanding that property taxes on the property owned by the Clearview Land Development Company ("the Clearview Property") are owed to Delaware County for at least the years 2000 and 2001; as of 01/22/03, approximately \$22,452.77 is owed in back real estate, school, and municipal taxes. Please provide the following information:

1. Has/Have any payment(s) towards delinquent or otherwise owed taxes on the Clearview Property been made in the last 12 months?
2. What was/were the date(s) and amount(s) of this/these payments and to which tax years was/were the payment(s) applied?
3. The Clearview Property is currently classified as "held from tax sale." Please answer the following:
 - a. What factor(s) is/are causing the Clearview Property to be withheld from tax sale by Delaware County?
 - b. Did the Clearview Land Development Company or any person or entity on its behalf, take any action or file any requests to Delaware County in order to prevent the sale of the Clearview Property to satisfy the taxes owed? Provide copies of any correspondence or documentation related to the aforementioned.
 - c. For how long will the property be "held from tax sale?" What will cause it to be offered for tax sale in the future?
4. On 04/18/02 the Clearview Property was re-classified by Delaware County as "Exempt," meaning no taxes are owed on the property for the year 2002. What factor(s)/circumstances caused this change to be made? Provide copies of all correspondence between Delaware County and any person or entity relating to this re-classification.

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This Indenture,

Made the 14th

day of June

in the

year of our Lord one thousand nine hundred and fifty-eight (1958)

BETWEEN MAX A. ROSENBERG and

MINNIE, his wife and DELAWARE SALVAGE CO. (hereinafter called the Grantor) of one part

AND

CLEARVIEW LAND DEVELOPMENT COMPANY (hereinafter called the Grantee)

Witnesseth that Whereas, The said

(Grantor) do

for and in consideration of the sum of (No Dollar (\$1000))

lawful money of the United States of America, unto

them

will and truly paid by the said Grantee

as and before the making and delivery of these presents the right whereof is hereby acknowledged have granted, bargained, sold, aliened, conveyed, released and confirmed, and by these presents do grant, bargain, sell, alien, convey, release and confirm unto the said

Whereas, And

ALL THAT CERTAIN tract or parcel of ground, with buildings and improvements thereon erected, situate in the Township of Darby, County of Delaware, State of Pennsylvania, as shown on the plat for Island Outcuff, made by Damon and Foster, Civil Engineers, Sharon Hill, Pennsylvania, dated June 24, 1957, being bounded and described as follows:

BEGINNING at a point the intersection of the centerline of 90th Street, as laid out (70 ft. D.F.) wide, with the centerline of Nichols Avenue (50 ft. D.F.) wide, (not upon); thence, extending along the center line of said Nichols Avenue said centerline being the Darby Township, Delaware County, City of Philadelphia Line, S. 30 degrees 40 minutes 20 seconds W., 2000 ft. (more or less) to a point in the Northwesterly low water line of said Darby Creek; thence, following Northwesterly and northeasterly by its various courses and distances, 3404' (more or less) to a point; thence, leaving said Darby Creek and extending S. 30 degrees 40 minutes 20 seconds W., along the Darby Township-City of Philadelphia Line, (444.79 ft. more or less U.S.) (445.79 more or less D.F.) to a point in the centerline of said 90th Street; thence extending along the centerline of said 90th Street, said centerline being also the Darby Township-City of Philadelphia Line, S. 53 degrees 10 minutes 0 seconds E., (750.00 ft. U.S.) (151.44 ft. D.F.) to the first mentioned point or place of beginning.

BEING in part the same premises which Edward Lafferty and Elizabeth N. Lafferty granted and conveyed to the Delaware Salvage Company, a Pennsylvania Corporation by deed dated February 7, 1956, which deed is recorded in the Office for the recording of Deeds in and for the County of Delaware, Commonwealth of Pennsylvania in Deed Book No. 1006, page 315. The said Delaware Salvage Company having filed a Declaration of Trust with date of November 1, 1957 wherein it acknowledges that it holds the said premises in trust for Max A. Rosenberg, which Declaration is recorded in the office for recording of Deeds in and for Delaware County, Pennsylvania in Deed Book 1002, page 620; Being also in part premises granted and conveyed by Forrester R. Felt and Mary Louise, his wife to Max A. Rosenberg by deed dated April 10, 1956 recorded in the Office for the recording of Deeds in and for Delaware County, Commonwealth of Pennsylvania, Deed Book 1021, page 258; Being also in part premises granted and conveyed by Edward A. Montgomery, singleman to Max A. Rosenberg by deed dated November 6, 1951 and recorded in Deed Book 1020, page 303; Being also in part premises granted and conveyed by Luke Piebur and Nedie, his wife to the present grantee, Clearview Land Development Company by deed dated - ✓, recorded in the office for the recording of deeds in and for Delaware County, Commonwealth of Pennsylvania, deed book 1004 page 340, Max Rosenberg one of the present grantors being the legal title holder to a portion of the aforesaid mentioned premises and Delaware Salvage Co. being the other legal title holder to the remainder of the aforesaid premises holding said premises in trust for Clearview Land Development

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Together with all and singular the Street, Alleys, Passages, .

Ways, Waters, Water-Courses, Rights, Liberties, Privileges, Hereditaments and Appurtenances, whatsoever thereunto belonging, or in any wise appertaining, and the Reverend, Benefactors, Rents, Issues and Profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever, of the Grantee

in law, equity

or otherwise hereunto, of, to and to the same and every part thereof.

To have and to hold the said lot or piece of ground above described

Hereditaments and Premises hereby granted or mentioned and intended as to be,

With the Appurtenances,

unto the said Grantee, its Successors

SHALL and Assigns, to and for the only proper use and intent of the said Grantee, its Successors

Heirs and Assigns forever.

IN WITNESS WHEREOF, the Grantees have hereunto set their hands and seals, this the day and year first above written.

Witness:

Flores H. Jernberg

BY
Attest

Diamond Salvage Co. (REAL)
Harvin Fischmann, President
Curtis Fischmann, Secretary
Max A. McCannery (REAL)
Hinsie Henningson (REAL)

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And the said
these present, revenue, grant and agree to and with the said
Herediments and Premises hereto
the said
Held, all and singular the
inherited and granted, or contained and included as to be, with the Appurtenances, unto the
Held, and assigns, against the said
Persons whomsoever
ever lawfully claiming or to claim the same as any part thereof
WARRANT and forever DEFEND

Witness Whereof, the said
SEALED AND DELIVERED
in the presence of us:

Received this day of the date of the above Indenture of the above named grantee, Clearview Land Development Company.

Witness:
Flora M. Rosenberg.

Max A. Rosenberg
Minnie Rosenberg
Melvin Fischman
President Delaware Salvage Co. (INCAL)
Corinne Fischman
Secretary Delaware Salvage Co.

ON THE 13th day of June Anno Domini 1950 before me the subscriber a Notary Public personally appeared the above named Max A. Rosenberg and Minnie Rosenberg, his wife and in due form of law acknowledged the above or foregoing INSTRUMENT to be their, each of their act and deed, and so. The same may be reversed as such.

Witness and notarial seal this day and year aforesaid.

Flora M. Rosenberg (S.M.)
Notary Public
My Commission expires 1/2/50

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PHILADELPHIA

On the 13th day of June, 1950 before me, the subscriber, a Notary Public for the Commonwealth of Pennsylvania, residing in Philadelphia, personally appeared Corinne Fischman, Secretary of the said Delaware Salvage Co. (a Pennsylvania corporation) who being duly sworn according to law, says that he was personally present at the execution of the above Indenture, and saw the Common or Corporate Seal of the said Corporation; that the said Indenture was duly sealed and delivered by Melvin Fischman, President of the said Corporation, as and for the act and deed of the said Corporation, for the uses and purposes therein mentioned, and that the names of this deponent as Secretary and of Melvin Fischman as president of the said Corporation subscribed to the above Indenture in attestation of its due execution and delivery, are of their and each of their respective handwritings.

SWORN to and subscribed before me, the day and year aforesaid, witness my hand and notarial seal.
Melvin Fischman (S.M.)
Notary Public
MY Commission expires July 7, 1951
Registered County of Delaware Feb. 11, 1950

Corinne Fischman
I hereby certify that the precise address of within named Grantee 1013 Walnut St., Phila., Pa.

Pageano, Notary Transfer for Affidavit 11100

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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OFFICIAL USE

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Certified Fee
Return Receipt (Endorsement)
Restricted (Endorsement)
Total Postage

Tax Claim Bureau, Delaware County
Josephine Rizzo, Director
Gov. Center Bldg. Ground Fl.
201 W. Front Street
Media, PA 19063

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Street, Apt. No.;
or PO Box No.

City, State, ZIP+ 4

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